

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

DERRICK ALLEN, SR.,)	
)	
Plaintiff,)	
)	
v.)	1:22CV76
)	
JUDITH A. FORTNEY,)	
)	
Defendant.)	

ORDER

The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on January 31, 2022, was served on the parties in this action. (Text Order and Recommendation dated Jan. 31, 2022; Doc. 5.) Plaintiff objected to the Recommendation. (Doc. 7.)*

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objections were made and has made a de novo determination in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's Recommendation.

* The objection suggests that Plaintiff's "pending lawsuit" against the Magistrate Judge and the undersigned presents a conflict of interest. (Doc. 7 at 1.) However, "[a] litigant's lawsuit against a judge does not, by itself, disqualify the judge from handling the litigant's other lawsuits." Allen v. North Carolina Dep't of Health & Human Servs., No. 20CV582, 2022 WL 43221, at *1 (M.D.N.C. Jan. 5, 2022) (unpublished) (collecting cases), appeal filed, No. 22-1039 (4th Cir. Jan. 11, 2022). Accordingly, "the court shall continue to adjudicate [Plaintiff]'s claims in this case and in all his remaining cases." Id. at *2.

IT IS THEREFORE ORDERED that this action is dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) and (ii).

/s/ Thomas D. Schroeder
United States District Judge

February 17, 2022